

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 2, 2004. At the time of the Office Action Claims 1-33 of the present application were pending. Claims 1-33 were rejected by the Office Action. In order to advance prosecution of this case, Applicants amend Claims 1, 11, 14, 21, 28, and 33. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Office Action rejects Claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,125,178 issued to Walker et al. ("*Walker*") in view of U.S. Patent No. 6,178,237 issued to Horn ("*Horn*"). Applicants respectfully traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974).

Claim 1 is directed to a method for managing incoming and outgoing calls that includes establishing a first call between a first endpoint and a second endpoint over a phone line of the first endpoint. After detecting that the first call was placed on hold, a second call is established between the first endpoint and a third endpoint over a second phone line of the first endpoint. An incoming media stream from the first call is mixed with an incoming media stream from the second call for presentation to the user of the first endpoint. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

The Office Action relies on *Walker* as disclosing "establishing a first call between a first endpoint and a second endpoint (Fig. 7, 100); detecting that the first call was placed on hold by the second point (Fig. 7, 106); establishing a second call between the first endpoint and a third endpoint... after detecting that the first call was placed on hold." See Office Action, Page 2, ¶2. However, *Walker* discloses only one call being placed from the first

endpoint, and that call being switched between a holding queue, an ongoing call, a chat room, or an agent. See *Walker* Column 2, Lines 30-47; Column 3, Lines 46-50; Column 3, Line 64 to Column 4, Line 5. *Walker* does not disclose, teach or suggest establishing a second call between the first endpoint and a third endpoint over a phone line of the first endpoint.

Moreover, the Office Action relies upon *Horn* as disclosing the mixing of audio signals. See Office Action, Page 2, ¶ 2. Since *Walker* does not envision first and second calls over first and second phone lines, respectively, of an endpoint, the combination of *Walker* and *Horn* does not disclose, teach, or suggest mixing audio streams from first and second calls over first and second phone lines, respectively, of an endpoint. For at least these reasons, Applicants respectfully submit that Claim 1 is patentable over the references cited in the Office Action, and request that the rejection of Claim 1 be withdrawn.

Claims 2-10 and 12-13 each depend from, and incorporate all the limitations of, independent Claim 1. Therefore, Applicants respectfully submit that Claims 2-10 and 12-13 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 1.

Claim 11 has been rewritten in independent form and is otherwise unamended. Claim 11 is directed to a method for managing incoming and outgoing calls that includes establishing a first call between a first endpoint and a second endpoint. After detecting that the first call was placed on hold, a second call is established between the first endpoint and a third endpoint. An incoming media stream from the first call is mixed with an incoming media stream from the second call for presentation to the user of the first endpoint. The first endpoint performs the detecting and mixing steps. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

The Office Action relies upon *Horn* as disclosing the "mixing of audio signals received from terminals 101-103... for transmission to participants of an audio teleconference (col. 2, lines 40-61)." See Office Action, Page 2, ¶2. However, in accordance with *Horn*,

digitized voice signals are mixed by a bridge 108. *See*, Column 2, Line 47-54; Figure 1. *Horn* does not teach or suggest that mixing of incoming media streams is performed by an endpoint of first and second calls. For at least these reasons, Applicants respectfully submit that Claim 11 is patentable over the references cited in the Office Action, and request that the rejection of Claim 11 be withdrawn.

Claim 14 is directed to a method for managing incoming and outgoing calls that includes establishing a first call between a first telephone and a second telephone over a phone line of the first telephone. After detecting that the first call was placed on hold, a second call is established between the first telephone and a third telephone over a phone line of the first telephone. An incoming media stream from the first call is mixed with an incoming media stream from the second call for presentation to the user of the first telephone. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

As discussed above with regard to Claim 1, *Walker* discloses only one call being placed from the first endpoint, and that call being switched between an ongoing call, a chat room, or an agent. *See Walker* Column 2, Lines 35-47; Column 3, Lines 46-50; Column 3, Line 64 to Column 4, Line 5. *Walker* does not disclose, teach or suggest establishing a second call between the first telephone and a third telephone over a phone line of the first telephone. For at least these reasons, Applicants respectfully submit that Claim 14 is patentable over the references cited in the Office Action, and request that the rejection of Claim 14 be withdrawn.

Claims 15-20 each depend from, and incorporate all the limitations of, independent Claim 14. Therefore, Applicants respectfully submit that Claims 15-20 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 14.

Moreover, Claim 16 further recites processing resources of the first telephone operable to mix the second and third media streams. As discussed above with regard to Claim 11, *Horn* does not disclose, teach or suggest that mixing of incoming media streams is

performed by a telephone of first and second calls. Thus, for at least this additional reason, Applicants respectfully request allowance of Claim 16.

Claim 21 is directed to a telephony device including a control circuit that can detect a first call over a phone line of the control circuit was placed on hold. After detecting that the first call was placed on hold, the control circuit establishes a second call between the first endpoint and a third endpoint over a second phone line of the control circuit. An incoming media stream from the first call is mixed with an incoming media stream from the second call for presentation to the user of the first endpoint. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

As discussed above with regard to Claim 1, *Walker* does not disclose, teach or suggest a control circuit establishing a second call between the first endpoint and a third endpoint over a second phone line of the control circuit. For at least this reason, Applicants respectfully submit that Claim 21 is patentable over the references cited in the Office Action, and request that the rejection of Claim 21 be withdrawn.

Claims 22-27 each depend from, and incorporate all the limitations of, independent Claim 21. Therefore, Applicants respectfully submit that Claims 22-27 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 21.

Claim 28 is directed to logic encoded in media for managing incoming and outgoing calls that includes establishing a first call between a first endpoint and a second endpoint over a phone line of the first endpoint. After detecting that the first call was placed on hold, a second call is established between the first endpoint and a third endpoint over a phone line of the first endpoint. An incoming media stream from the first call is mixed with an incoming media stream from the second call for presentation to the user of the first endpoint. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

As discussed above with regard to Claim 1, *Walker* does not disclose, teach or suggest establishing a second call between the first endpoint and a third endpoint over a phone line of the first endpoint. For at least this reason, Applicants respectfully submit that Claim 28 is patentable over the references cited in the Office Action, and request that the rejection of Claim 28 be withdrawn.

Claims 29-32 each depend from, and incorporate all the limitations of, independent Claim 28. Therefore, Applicants respectfully submit that Claims 29-32 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 28.

Claim 33 is directed to an apparatus for managing incoming and outgoing calls that includes means for establishing a first call between a first endpoint and a second endpoint over a phone line of the first endpoint. The apparatus also includes means for detecting that the first call was placed on hold, means for establishing a second call between the first endpoint and a third endpoint over a phone line of the first endpoint, and means for mixing an incoming media stream from the first call with an incoming media stream from the second call for presentation to the user of the first endpoint. None of the cited portions of the references relied upon by the Office Action, alone or in combination, disclose, teach, or suggest each of these limitations.

As discussed above with regard to Claim 1, *Walker* does not disclose, teach or suggest means for establishing a second call between the first endpoint and a third endpoint over a phone line of the first endpoint. For at least this reason, Applicants respectfully submit that Claim 33 is patentable over the references cited in the Office Action, and request that the rejection of Claim 33 be withdrawn.

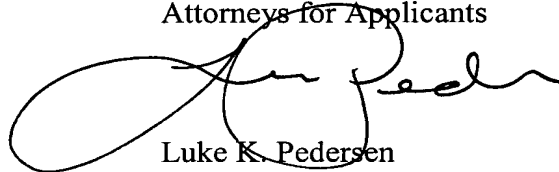
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of \$86.00 is enclosed to cover the fee for an additional independent claim. No other fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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